



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 15 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL 7009 1680 0000 7677 8756**  
**RETURN RECEIPT REQUESTED**

Mr. Gregory Seavers  
EHS Manager  
PPG Architectural Coatings  
350 Sprowl Road  
Huron, Ohio 44839

Re: Notice of Violation  
Compliance Evaluation Inspection  
OHR000176479

Dear Mr. Seavers:

On May 12, 2015, representatives of the U.S. Environmental Protection Agency and Ohio Environmental Protection Agency inspected PPG Architectural Coatings, LLC, located in Huron, Ohio (hereinafter "PPG" or "you"). As a large quantity generator of hazardous waste, PPG is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq. ("RCRA"). The purpose of the inspection was to evaluate PPG's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by PPG, EPA's review of records pertaining to PPG, and the inspector's observations, EPA has determined that PPG has unlawfully stored hazardous waste without a permit or interim status as a result of PPG's failure to comply with certain conditions for a permit exemption under Ohio Admin. Code § 3745-52-34(A)-(C) [40 C.F.R. § 262.34(a)-(c)]. EPA has identified the permit exemption conditions with which PPG was out of compliance at the time of the inspection in paragraphs 1- 5, below.

Many of the conditions for a RCRA permit exemption are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Ohio Admin. Code chs. 3745-65 to 68 and 3745-256, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. The exemption conditions identified in paragraphs 2 - 5 are also independent TSD requirements incorporated from Ohio Admin. Code chs. 3745-65 to 68 and 3745-256. Accordingly, each failure of PPG to comply with these conditions is also a violation of the

corresponding requirement in Ohio Admin. Code chs. 3745-65 to 68 and 3745-256 [40 C.F.R. Part 265] (if the facility should have fully complied with the requirements for interim status), or Ohio Admin. Code chs. 3745-54 to 57 and 3745-205 [40 C.F.R. Part 264] (if the facility should have been permitted).

Finally, EPA has determined that PPG also violated RCRA requirements related to used oil and universal waste, as described in paragraphs 6 and 7, below.

#### **STORAGE OF HAZARDOUS WASTE WITHOUT A PERMIT OR INTERIM STATUS AND VIOLATIONS OF TSD REQUIREMENTS**

At the time of the inspection, PPG was out of compliance with the following large quantity generator permit exemption conditions:

##### **1. Date When Each Period of Accumulation Begins**

Under Ohio Admin. Code § 3745-52-34(A)(2) [40 C.F.R. § 262.34(a)(2)], a large quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins.

At the time of the inspection, PPG maintained a 90-day hazardous waste drum storage area in its Specialty Coatings building. One drum in the storage area containing hazardous waste spent paint filter media was not marked with the date when its accumulation period began.

**The permit exemption conditions identified below in paragraphs 2 - 4 are also independent TSD requirements violated by PPG:**

##### **2. Contingency Plan Content – Emergency Coordinator Information**

Under Ohio Admin. Code § 3745-65-52(C) [40 C.F.R. §§ 262.34(a)(4); 265.52(c)], a large quantity generator must have a hazardous waste contingency plan which includes a current list of names, addresses and telephone numbers (office and home) of all persons qualified to act as emergency coordinator.

At the time of inspection, PPG had a hazardous waste contingency plan that listed primary and alternate emergency coordinators for the facility. However, the contact information provided for the coordinators did not include their home addresses, as required above.

### 3. Contingency Plan Content – Emergency Equipment Details

Under Ohio Admin. Code § 3745-65-52(E) [40 C.F.R. §§ 262.34(a)(4); 265.52(e)] a large quantity generator must have a hazardous waste contingency plan which includes a current list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment). The list must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

At the time of the inspection, PPG had a hazardous waste contingency plan that had a list of emergency equipment available on site. However, the contingency plan did not provide the location of all the listed equipment, nor did the plan physically describe the emergency equipment or outline its capabilities and uses.

### 4. Contingency Plan Revisions

Under Ohio Admin. Code § 3745-65-54 [40 C.F.R. §§ 262.34(a)(4); 265.54], a large quantity generator must have a hazardous waste contingency plan. The generator must revise the plan in response to rule changes, facility, equipment and personnel changes, or failure of the plan.

At the time of inspection, PPG's hazardous waste contingency plan contained several diagrams which provided the location for hazardous waste storage and satellite accumulation areas. However, the diagrams were not consistent with the hazardous waste storage and satellite accumulation areas that were observed on site, and were not updated in response to changes in PPG's operations, as required above.

### 5. Required Aisle Space

Under Ohio Admin. Code § 3745-65-35 [40 C.F.R. § 262.34(a)(4); 265.35], a large quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

At the time of inspection, PPG maintained a 90-day hazardous waste storage area in its Specialty Coatings building. Hazardous waste was stored in drums and stacked on wooden pallets adjacent to other stacked drums that contained product chemicals. The aisle space between the hazardous waste drums and chemical drums made it difficult to inspect the hazardous waste drums, and would likely obstruct the movement and effectiveness of fire protection, spill control, and decontamination equipment in the event of an emergency.

**Summary:** By failing to comply with the conditions for a permit exemption, above, PPG became an operator of a hazardous waste storage facility, and was required to obtain an Ohio hazardous waste storage permit. PPG failed to apply for such a permit. PPG's failure to apply for and obtain a hazardous waste storage permit violated the requirements of Ohio Admin. Code §§ 3745-50-45(A) and 3745-50-41(A) and (D) [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)]. Any failure to comply with a permit exemption condition incorporated from Ohio Admin. Code chs. 3745-65 to 68 and 3745-256 is also an independent violation of the corresponding TSD requirement.

## **OTHER VIOLATIONS**

### **6. Used Oil Requirement**

Under Ohio Admin. Code § 3745-279-22(C)(1) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

At the time of the inspection, at least four drums of used oil located in PPG's 90-day hazardous waste storage area in the Specialty Coatings building were not labeled with the words, "Used Oil."

### **7. Universal Waste Requirement**

Under Ohio Admin. Code §§ 3745-273-14(A) and (E) [40 C.F.R. §§ 273.14(a) and (e)], a small quantity handler of universal waste must label or clearly mark each battery or container in which the batteries are stored with one of the following phrases: "Universal Waste – Battery(ies)," "Waste Battery(ies)," or "Used Battery(ies)." Similarly, a small quantity handler of universal waste must label or clearly mark each lamp or a container or package in which lamps are stored with any one of the following phrases: "Universal Waste – Lamp(s)," "Waste Lamp(s)" or "Used Lamp(s)."

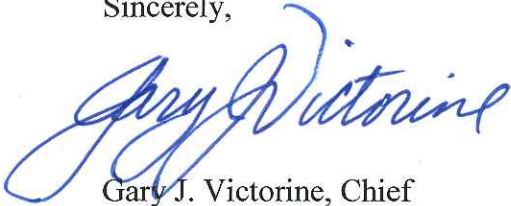
At the time of the inspection, PPG was accumulating universal waste in designated storage areas in both its Specialty Coatings and Decorative Latex buildings. PPG was storing universal waste lamps and batteries in designated containers, but the containers were not marked or labeled with the phrases listed above.

At this time, EPA is not requiring PPG to apply for an Ohio hazardous waste storage permit so long as it immediately establishes compliance with the conditions for a permit exemption outlined in paragraphs 1 - 5, above.

According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order, or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to establish compliance with the above conditions and used oil and universal waste requirements. You should submit your response to Mr. Brian Kennedy, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.”

If you have any questions regarding this letter, please contact Mr. Brian Kennedy, of my staff, at (312) 353-4383 or at [kennedy.brian@epa.gov](mailto:kennedy.brian@epa.gov).

Sincerely,



Gary J. Victorine, Chief  
RCRA Branch

Enclosure

cc: Robert Almquist, Ohio EPA ([robert.almquist@epa.ohio.gov](mailto:robert.almquist@epa.ohio.gov))  
Teri Finrock, Ohio EPA ([teri.finrock@epa.ohio.gov](mailto:teri.finrock@epa.ohio.gov))